

# THE ARIZONA CITIZEN.

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## THE ARIZONA CITIZEN.

— 15 —

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Professional cards, per quarter, 7 00

Small death notices, free. Obituary re-

marks in prose, \$3 per square; in poetry,

\$5 per line.

Business advertisements at reduced

rates. Office North-west corner Main and

Congress streets.

AGENTS FOR THE CITIZEN:

W. N. Kelly, newsdealer at Prescott, has

the CITIZEN for sale, and has authority

to receive and remit for money due us.

L. P. Fisher, 20 and 21 New Merchants

exchange, San Francisco.

Charles W. Crane, Room 10, Safe Depos-

it building, 328 Montgomery Street, San

Francisco.

James A. Voss, Yuma.

E. Irvine, Phoenix.

Dr. J. H. Pierson, Wickenburg.

John E. Levy, Los Angeles.

JOHN WASSON, Proprietor.

S. B. CHAPIN, M. D.

MAIN ST., FLORENCE

J. C. HANDY, M. D.

TUCSON, ARIZONA.

CORNER OF CHURCH AND CONVENT.

J. L. COGSWELL,

DENTIST.

No. 339 Kearny St., San Francisco.

THEO. F. WHITE,

CIVIL ENGINEER AND SURVEYOR.

Deputy Surveyor of Mineral Lands.

TUCSON, ARIZONA.

JAMES ABEGG,

MAIN STREET, YUMA, ARIZONA.

New Depot, Book and Candy Store, Con-

fectionery and Fancy Goods.

H. N. ALEXANDER,

YUMA, ARIZONA.

ATTORNEY AT LAW.

Will practice in all Courts in this Territory.

FARLEY & POMROY,

ATTORNEYS AND COUNSELLORS AT LAW.

YUMA, ARIZONA.

Sutcliffe Public. Office United States

District Attorney, Office on Congress

street.

SUMMERS & CLUM,

ATTORNEYS AT LAW, FLORENCE, ARIZONA.

Practice in all the Courts of the Terri-

tory and give special attention to cases

before the U. S. Land Office.

W. S. EDWARDS,

CIVIL ENGINEER AND SURVEYOR.

United States Deputy Mineral Surveyor.

Special attention given to locations un-

der the Desert Land Act, and obtaining

patents to mining property.

DR. J. M. JANCOS,

SURGEON AND PHYSICIAN.

Tucson, Arizona.

Special attention given to diseases of

Eyes and Ears and operations performed.

Office on North side Church Plaza.

JOHN L. HARRIS,

(Late Chief Clerk, Surveyor General's Office)

U. S. DEPT. OF THE INTERIOR.

Agricultural, Mineral and Private Land

Claims Surveyed.

TUCSON, ARIZONA.

R. A. WILBUR, M. D.

CORNER PLEASANT AND CONVENT STS.

TUCSON, ARIZONA.

Will resume the practice of his profession

Thursday, July 1. Will give attention to

preference to diseases of women and chil-

dren.

Office hours from 9 A. M. to 3 P. M. and

evening.

BRIGGS GOODRICH, B. H. HERBERT,

Dist. Atty Pima Co. Notary Public.

HERFORD & GOODRICH,

ATTORNEYS AND COUNSELLORS AT LAW.

TUCSON, ARIZONA.

Will practice in all the Courts of the

## The Heart.

Two chambers both the heart,

And there dwell Joy and Care,

Wake Joy in thine,

Thus Care in his

Will peacefully retire.

O Joy, beware!

Speak gently

Lest thou awaken Care.

—From the German.

## Eastern Freight to Arizona—The Western Route the Better.

The Prescott Enterprise publishes a

list of prices for freights by the Kan-

sas Pacific railway, and urges the ship-

ment of goods by that route. The

price-list shows the freight to be \$1.50

per 100 pounds from Leavenworth to

El Moro, subject to the revised Western

classification adopted by the trunk

lines, that is to say, subject to be

changed at any time the trunk lines

choose to make a change. The freight

rates are not given from the eastern

cities to Leavenworth; but it is diffi-

cult to see how any great advantage

can be gained by Arizona merchants,

either north or south, bringing their

goods over the direct eastern route by

the rail route mentioned. The South-

ern Pacific railroad has agreed to de-

liver goods at Yuma, without classi-

fication from New York, or Philadel-

phia at 3 1/2 cents per pound, and at

Ehrenberg for 3 1/2 cents. In establish-

ing this tariff, we are informed by busi-

ness men who have examined the fig-

ures, that the Southern Pacific railway

makes no profit, but has made this

low price rather than see the freight

business transferred to the eastern

roads and route. Then, wherein is

the justice in carping about grinding

monopolies, when there is no truth in

it, and when the only railroad that

has yet reached our borders is losing a

large sum of money each month in

paying actual running expenses? Dem-

agogues who deal in this kind of talk

don't usually help any enterprise

much, and sensible, fair people are dis-

gusted with them. Every one admits

that a railroad is the future salvation

of Arizona; then why meet the only

one that has reached the Territory,

with abuse?

Supposing freights could be deliv-

ered a trifle cheaper directly from the

east than from the west, would it be to

the interest of our merchants to bring

their goods that way? We think not.

Goods can be landed at our towns from

New York via California, with more

certainty and in about half the time

than is required to bring them by the

eastern route, which will save in in-

terest on the money invested in the

goods, to say nothing about the disad-

vantage of being out of their use for

months longer. By the northern Ariz-

ona route from New Mexico, there is

at least four months of the year when

it would not be safe on account of

snow, to bring goods that way. Near-

ly every dollar paid to New Mexi-

can freighters is taken out of the Ter-

ritory. Goods are brought by ox-train-

or by what is called raw-hide freight

teams. The mules are neither shod

nor fed grain; while on the other hand,

the money paid to freighters to and

from the Colorado river goes to our

own people, and every dollar of it is

kept and circulates in the Territory.

These teams are shod and fed grain

and the wagons are repaired at our

shops, so that every laborer, mechanic,

farmer and merchant derives some ben-

efit from the money paid out for

freighting from the railway at Yuma

or river at Ehrenberg. We have heard

several of our merchants say that the

experiment of bringing goods from

the east (which was almost a necessity

before the completion of the railway

to Yuma) has had a very damaging

influence upon the business of this

## TIMBER ON PUBLIC LANDS.

Laws, Regulations and Decisions

Regarding its Use.

If settlers, not only in Arizona but

in all the States and Territories west

of the one hundredth meridian, except

those bordering on the Pacific Ocean,

were prohibited from using the grass

and water upon public lands, life

would be almost impossible in that

section. Next in importance to these ab-

solute, fundamental necessities of life,

and verging close upon them, is the

necessity for timber and wood. Yet at

present, the timber laws are such that

any one who cuts timber for any pur-

pose whatever, whether for fuel, build-

ing, mining or for sale, takes that tim-

ber unlawfully and renders himself

liable to criminal prosecution and the

consequent fine and imprisonment. The

attention of the government officers

has lately been called to cases of this

kind and therefore large quantities of

logs have been seized in Louisiana and

Minnesota while, as noticed in our

issues of August 11 and 23, settlers

have been tried and convicted recently

before Judge Hoffman of the U. S.

District Court of California, for depre-

dating upon timber growing on the

public lands. Such is the importance

of this subject and the growing desire

to become thoroughly acquainted with

all the laws and regulations thereon,

that we have prepared the following,

which refers to all the laws, regulations

and decisions that we can find upon

the subject. It will be seen that no

provision whatever is made for the

sale or leasing of timber, so that it is

impossible for settlers to purchase.

Previous to 1831, there was no pro-

vision of law relating to public timber.

In 1831, however, the then Attorney

General, Mr. Wirt, rendered, on May

27, an opinion as follows:

Independent of positive legislative

provisions, I apprehend that in relation

to public property, real or personal, which

the United States are authorized to

dispose of, they have all the rights

of a proprietor, whether for the present

or of persons or of the United States.

So the United States, being authorized

to accept and hold these lands for the

common good, must have all the legal

means of protecting the property thus

conferred to them, and individuals en-

joyed in like cases, they are, there-

fore, in my opinion, entitled to the

protection of the law by way of

prevention, and to the action of tre-

pass by way of punishment, in like

manner as individuals, similarly situ-

ated, are entitled to them.

In an opinion, dated August 22, 1833,

Attorney General Taney, afterwards

Chief Justice of the Supreme Court,

expressed this opinion of Mr. Wirt and con-

curred in it.

Attorney General Mason, in a com-

munication of July 16, 1845, refers to

an opinion of Attorney General Nelson,

of August 11, 1843, and, in concurring

in it states:

When the right of preemption ex-

ists, the settler who has complied with

the provisions of the act of September

4, 1841, has a right to occupancy for

twelve months, within which he may

perfect his title by paying the main

price of the land. Like the set-

tler under the armed occupation of

his right is inchoate only, and he has

only those rights of property which

are necessary to the perfecting of his

title. He may clear the land, build on

it and enclose it with a view to culti-

vation. For these purposes he may use

or destroy any trees which may be ne-

cessary, but within these restrictions,

and necessary fire-wood, he is confin-

ed.

The only law affecting the general

subject of timber upon public lands

found, is a section of the penal act of

March 2, 1831, and this is now incor-

porated as follows in the Revised Stat-

utes of the United States, section 2461:

If any person shall cut or cause or

procure to be cut, or aid, assist, or be

employed in cutting, or shall wantonly

destroy, or cause or procure to be wan-

tonly destroyed, or aid, assist, or be

employed in wantonly destroying any

live-oak, or red cedar, or other trees,

or other timber standing, growing, or

being on any lands of the United States,

which, in pursuance of any